

BANKSTON GRONNING O'HARA, P.C.

Attorneys at Law
601 W. 5th Avenue, Suite 900
Anchorage, Alaska 99501
Tel. (907) 276-1711 - Fax (907) 279-5358
www.bankston.to

Jon T. Givens, Esq.
Bankston Gronning O'Hara, P.C.
601 West 5th Avenue, Suite 900
Anchorage, Alaska 99501
(907) 276-1711 (telephone)
(907) 279-5358 (fax)
wbankston@bankston.to

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ALASKA RENT-A-CAR, INC.,)
an Alaska Corporation,)
)
 Plaintiff,)
)
v.)
)
CENDANT CORPORATION, et al.,)
)
)
 Defendants.) Case No. 3:03-cv-29 [TMB]
)

[PROPOSED] ORDER REGARDING APPEAL TO ALLOW DEPOSITIONS

The Court having considered the supplemental briefing submitted by the parties on the appeal regarding depositions of the president of Cendant Finance Holding Company, 12, 1 hour depositions of corporate executives, and depositions of 10 corporate customers, hereby finds the appeal to be of merit. The Court is required to review the rulings of the Special Master on a *de novo* basis. The Court does not desire to encourage appeals of rulings of the Special Master, but this has not been an issue as this is the first ruling ever appealed, and fact discovery is closed. The Court is grateful to the Special Master for his service, but it is the Court which must address the pending dispositive motions in this case on both the piercing and antitrust issues. Since plaintiff has requested to conduct a Rule 56(f) continuance to obtain depositions to oppose defendants' cross-motion for summary judgment on piercing, defendants' motion for summary judgment on antitrust and because

[Proposed] Order Regarding Appeal to Allow Depositions

Alaska Rent-A-Car, Inc. v. Cendant Corp., et al., Case No. 3:03-cv-29 [TMB]
A3388\05\RUSKIN\DM51\APPEAL\ORDAppeal

Page 1 of 2

fact discovery is closed in this case, and because the parties were unable to file dispositive motions while fact discovery was still open, the Court hereby rules as follows:

(1) Defendants shall make 12 executives selected by plaintiff available for depositions of approximately 1 hour each. These should be scheduled to occur over the course of two days. The Court notes that in effect this is the equivalent of two, six hour depositions and six hours is the length allowed for depositions in the Civil Rules;

(2) The defendants shall produce the president of Cendant Finance Holding Company or its current successor for a deposition on issues regarding piercing the corporate veil;

(3) Plaintiff may depose 10 corporate customers.

IT IS ORDERED.

DATED: _____

TIMOTHY M. BURGESS
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2006, a copy of foregoing [Proposed] Order Regarding Appeal to Allow Depositions was served electronically on Diane F. Valentine and John F. Dienelt and on

Barry M. Heller
DLA Piper Rudnick Gary Cary US LLP
1200 Nineteen Street NW
Washington, DC 20036-2430

by regular U.S. Mail

s/Jon T. Givens _____

[Proposed] Order Regarding Appeal to Allow Depositions

Alaska Rent-A-Car, Inc. v. Cendant Corp., et al., Case No. 3:03-cv-29 [TMB]
A3388\05\RUSKIN\DM51\APPEAL\ORDAppeal

Page 2 of 2